

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Vance Herman,)	
)	
Plaintiff,)	ORDER OF DISMISSAL WITHOUT
)	PREJUDICE
vs.)	
)	
James Wenning, et. al.,)	Case No. 1:17-cv-128
)	
Defendants.)	

The plaintiff, Vance Herman (“Herman”), was an inmate at the North Dakota Penitentiary (“NDSP”) in June 2017 when he initiated the above-entitled action. He filed notice of his consent to the undersigned’s exercise of jurisdiction on August 1, 2017.

The undersigned screened Herman’s pleadings as mandated by 28 U.S.C. § 1915A. Thereafter, on March 1, 2018, the undersigned issued an order giving Herman until March 25, 2018, to show cause why his claims against Case Manager McConigal, the NDSP pharmacy and/or pharmacist, and Assistant State’s Attorney Binder should not be dismissed. The undersigned further advised that Herman would be permitted to proceed with his remaining claims against Captain James Wenning provided that, by March 25, 2018, he updated his mailing address and reaffirmed his desire to proceed against Captain Wenning.

Herman has yet to respond to the undersigned’s order to show cause or otherwise or reaffirm his intent to pursue his claims against Caption Wenning. Notably, the record reflects that a copy of the undersigned’s order mailed by the Clerk’s office to Herman’s last known address was returned as undeliverable on March 12, 2018.

Accordingly, for the reasons articulated in the undersigned’s March 1, 2018 order, the

above-entitled action is **DISMISSED** without prejudice.

IT IS SO ORDERED.

Dated this 28th day of March, 2018.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court